

GP/2152

#4

T.D.

01/23/03



1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Tracy J. Kimbrel et al.

Serial No.: 10/000,320

Group Art Unit: 2152

Filed: December 4, 2001

Examiner: Not Known

For: DYNAMIC RESOURCE ALLOCATION USING KNOWN FUTURE
BENEFITSCommissioner of Patents and Trademarks
Washington, D.C. 20231

RECEIVED

DEC 20 2002

REQUEST TO CORRECT INVENTIVE ENTITY Technology Center 2100
UNDER 37 C.F.R. §1.48(a)

Sir:

Please correct the inventive entity as originally set forth in the declaration under 37 C.F.R. §1.63 of the above-identified application by adding Maria Minkoff to the other joint inventors. The other joint inventors are:

Tracy J. Kimbrel,
Robert Krauthgamer,
Baruch M. Schieber,
Maxim I. Sviridenko, and
Jayram S. Thathachar

as correctly stated in the declaration as originally filed. The omission of Maria Minkoff occurred through error and without deceptive intent, as noted in the attached statement of Maria Minkoff and, in fact, occurred during concurrent execution of two applications which were concurrently filed in which the above-listed remaining inventors were common to both applications. A Request for Correction of Inventive Entity to delete Maria Minkoff as a joint inventor in the other application is being concurrently filed

01/23/2003 TDAE1 00000001 500510 10000320

01 FC:1460

130.00 CH

A declaration of the above-noted inventors and a Consent of Assignee are also attached.

Accordingly, favorable consideration of this Request for Correction of Inventive Entity is respectfully requested. Please charge the processing fee under 37 C.F.R. §1.17(i) in the amount of \$130.00, and any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-0510 of International Business Machines Corporation (Yorktaown).

Respectfully submitted,



Marshall M. Curtis
Reg. No. 33,138

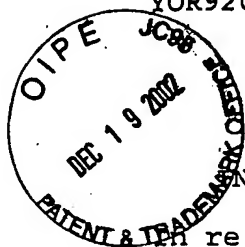


30743

PATENT TRADEMARK OFFICE

YOR920000824US1 (00280686AA)

PATENT APPLICATION



1

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STATEMENT OF MARIA MINKOFF

Technology Center 2100

Sir:

I, Maria Minkoff, of 289 Highland Avenue, Somerville, Massachusetts 02144, was erroneously omitted as a joint inventor in the declaration under 37 C.F.R. §1.63 of the above-identified application, as originally filed. The error in my omission as a joint inventor occurred through error and without deceptive intention on my part in the course of concurrent execution of two applications having the remaining joint inventors common to both applications.

Signed Maria Minkoff 12/05/02
Maria Minkoff date

Application for United States Patent

Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DYNAMIC RESOURCE ALLOCATION USING KNOWN FUTURE BENEFITS

(check ☐ is attached hereto
one)

☒ was filed on 12/04/2001 as
Application Serial No. 10/000,320
and was amended on _____ (if applicable)

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Technology Center 2100

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).*

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>None</u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	<u> </u> yes	<u> </u> no

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u> </u> (Application Serial No.)	<u> </u> (Filing Date)	<u> </u> (Status: patented, pending, abandoned)

Power of Attorney: As a named inventor, I hereby appoint Manny W. Schecter, Reg. No. 31,722, Richard M. Ludwin, Reg. No. 33,010, Louis P. Herzberg, Reg. No. 41,500, Stephen C. Kaufman, Reg. No. 29,551, Louis J. Percello, Reg. No. 33,206, Robert M. Trepp, Reg. No. 25,933, Gail H. Zarick, Reg. No. 43,303, Daniel P. Morris, Reg. No. 32,053, Paul J. Otterstedt, Reg. No. 37,411, Derek S. Jennings, Reg. No. 41,473, Timothy M. Farrell, Reg. No. 37,321, Douglas W. Cameron, Reg. No. 31,596, Kevin M. Jordan, Reg. No. 40,277, Michael E. Whitham, Reg. No. 32,635, Marshall M. Curtis, Reg. No. 33,138, Clyde R. Christofferson, Reg. No. 34,138, C. Lamont Whitham, Reg. No. 22,424, Ruth E. Tyler-Cross, Reg. No. 45,922 and Olga V. Merkoulouva, Reg. No. 48,757 as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to Whitham, Curtis & Christofferson, PC, 11491 Sunset Hills Road, Suite 340, Reston, Virginia 20190. Telephone calls should be directed to Whitham, Curtis & Christofferson, PC at (703) 778-9400. Please associate this application with the following customer number:



30743

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor: Tracy J. Kimbrel

Signature: _____ Date _____

Residence: 144 Rita Drive, Cortlandt Manor, New York 10567

Citizenship: US

Post Office Address: Same As Residence

(2) Inventor: Robert Krauthgamer

Signature: _____ Date _____

Residence: 29 Szold Street, Ramat Hasharon, 47225, Israel

Citizenship: Israel

Post Office Address: Same As Residence

(3) Inventor: Maria Minkoff

Signature: *Maria Minkoff* X Date 12/05/02

Residence: 289 Highland Ave., Apt. 206, Somerville, MA 02144

Citizenship: US

Post Office Address: Same As Residence

(4) Inventor: Baruch M. Schieber

Signature: _____ Date _____

Residence: 25 Wilmont Ave., White Plains, New York 10605

Citizenship: US

Post Office Address: Same As Residence

(5) Inventor: Maxim I. Sviridenko

Signature: _____ Date _____

Residence: 3579 Sagamore Ave., Mohegan Lake, New York 10549

Citizenship: Russia

Post Office Address: Same As Residence

(6) Inventor: Jayram S. Thathachar

Signature: _____ Date: _____

Residence: 272 Palm Valley Blvd., #205, San Jose, California 95123

Citizenship: India

Post Office Address: Same As Residence

Title 37, Code of Federal Regulations, §1.56(a):

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.

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DYNAMIC RESOURCE ALLOCATION USING KNOWN FUTURE BENEFITS

(check ☐ is attached hereto
one)

☒ was filed on 12/04/2001 as
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Signature: _____ Date _____

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Citizenship: US

Post Office Address: Same As Residence

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Signature: _____ Date 12-5-02

Residence: 29 Szold Street, Ramat Hasharon, 47225, Israel

Citizenship: Israel

Post Office Address: Same As Residence

(3) Inventor: Maria Minkoff

Signature: _____ Date _____

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Citizenship: Russia

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(6) Inventor: Jayram S. Thathachar

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(5) Inventor: Maxim I. Sviridenko

Signature: _____ Date _____

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Citizenship: Russia

Post Office Address: Same As Residence

(6) Inventor: Jayram S. Thathachar

Signature: J. S. Jayram

Date Dec 05, 2002

Residence: 272 Palm Valley Blvd., #205, San Jose, California 95123

Citizenship: India

Post Office Address: Same As Residence

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(check ☐ is attached hereto
one)

☒ was filed on 12/04/2001 as
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(1) Inventor: Tracy J. Kimbrel

Signature: 

Date

12-04-02

Residence: 144 Rita Drive, Cortlandt Manor, New York 10567

Citizenship: US

Post Office Address: Same As Residence

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YOR92000824US1 (00280686AA)

PATENT APPLICATION

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Tracy J. Kimbrel et al.

Serial No.: 10/000,320

Group Art Unit: 2152

Filed: December 4, 2001

Examiner: Not Known

For: DYNAMIC RESOURCE ALLOCATION USING KNOWN FUTURE
BENEFITSCommissioner of Patents and Trademarks
Washington, D.C. 20231CONSENT OF ASSIGNEE FOR
CORRECTION OF INVENTIVE ENTITY
UNDER 37 C.F.R. §1.48(a)

RECEIVED

DEC 20 2002

Technology Center 2100

Sir:

International Business Machines Corporation,
assignee of the entire interest in the invention
disclosed and claimed in the above-identified patent
application, hereby consents to the correction of
inventive entity as stated in the declaration under 37
C.F.R. §1.63 by inclusion of Maria Minkoff as a joint
inventors together with:

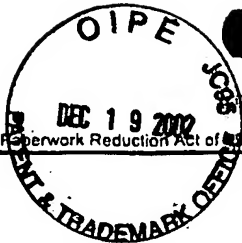
Tracy J. Kimbrel,
Robert Krauthgamer,
Baruch M. Schieber,
Maxim I. Sviridenko, and
Jayram S. Thathachar.

A statement under 37 C.F.R. 3.73(b) is attached.

Date:

Signature: Jeffrey L. Forman

Title: Program Manager, Patent Office Liaison
for International Business
Machines Corporation

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Tracy J. Kimbrel et al.Application No./Patent No.: 10/000,320 Filed/Issue Date: December 4, 2001Entitled: Dynamic Resource Allocation Using Known Future Benefits
International Business Machines
Corporationa corporation of New York

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

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states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 12349, Frame 0623, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

December 12, 2002

Date

Jeffrey L. Forman

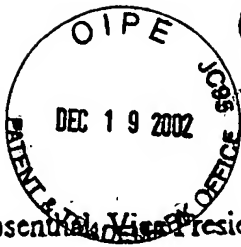
Typed or printed name

Signature

Docket #YOR920000824US1

Program Manager, Patent Office Liaison

Title



LETTER OF AUTHORITY

I, Gerald Rosenthal, Vice President, Intellectual Property and Licensing of International Business

Machines Corporation (IBM), a New York corporation, do hereby delegate the authority to

approve and execute documents on behalf of IBM relating to proceedings in the Patent,

Trademark Registration or Copyright Offices servicing any country or region of the world, or to

related appeal proceedings, including, but not limited to: petitions; powers of Attorney;

authorizations; verification; nominations of representatives; declarations; documents relating to

maintenance and defense of the resulting industrial property rights; assignments of rights to

apply for and acquire patents and trademark registrations; and evidence of such assignments;

request for the registration of patents as available for licensing; reports of inventions and

petitions for waiver of patent rights to any department or agency of the United States

Government; and, assignments, licenses and other instruments confirmatory of Government.

rights in patents and inventions, to Jeffrey L. Forman, Program Manager, Patent Office Liaison.

Date:

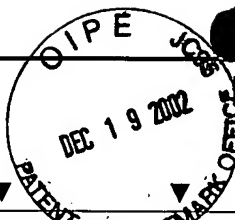
Aug 4, 2000

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DEC 20 2002

Technology Center 2100

Gerald Rosenthal
Vice President, Intellectual Property & Licensing
International Business Machines Corporation



RECORDATION FORM COVER SHEET

PATENTS ONLY

Doc No.: YOR920000824US1

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab settings → → → ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Tracy J. Kimbrel
Robert Krauthgamer
Maria Minkoff
Baruch M. Schieber
Maxim I. Sviridenko

Jayram S. Thathachar

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: International Business Machines Corporation

Internal Address: _____

Street Address: _____

City: Armonk State: NY ZIP: _____

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other _____

Execution Date: 12/4, 12/5, 12/5, 12/4, 12/4, 12/5/02

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/000,320

12/04/02

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Marshall M. Curtis

Internal Address: _____

Street Address: Whitham, Curtis & Christofferson, P.C.

11491 Sunset Hills Road, Suite 340

City: Reston State: VA ZIP: 20190

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☒ Authorized to be charged to deposit account

8. Deposit account number:

50-0510

(Attach duplicate copy of this page if paying by deposit account)

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Marshall M. Curtis

December 19, 2002

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document:

9

ASSIGNMENT

Whereas, We
Inventors

- | | | |
|-----|---|--|
| (1) | Tracy J. Kimbrel
County of Westchester | City of Cortlandt Manor
and State of New York |
| (2) | Robert Krauthgamer | City of Ramat Hasharon
and Country of Israel |
| (3) | Maria Minkoff
County of Middlesex | City of Somerville
and State of Massachusetts |
| (4) | Baruch M. Schieber
County of Westchester | City of White Plains
and State of New York |
| (5) | Maxim I. Sviridenko
County of Westchester | City of Mohegan Lake
and State of New York |
| (6) | Jayram S. Thathachar
County of Santa Clara | City of San Jose
and State of California |

have invented certain improvements in

Title

**DYNAMIC RESOURCE ALLOCATION USING KNOWN FUTURE
BENEFITS**

and have executed, respectively, a United States patent application therefor on

Dates That
Inventor
Signed the

- | | |
|-----|------------------------|
| (1) | December 4, 2002 , |
| (2) | 2002 , |
| (3) | 2002 , |
| (4) | December 4, 2002 , |
| (5) | December 4, 2002 , and |
| (6) | 2002 . |

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, I the above named hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and I request the Commissioner of Patents to issue any Letters Patent granted upon the

invention set forth in said application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on said invention and I will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

City (1) Signed at Yorktown
Date on Tracy signature
12-04-02 (Tracy J. Kimbrel) inventor
First Name Middle Initial Last Name

City	(2)	Signed at			
Date		on			signature
		(Robert		Krauthgamer) inventor
		First Name	Middle Initial	Last Name	

City (3) Signed at _____ signature
Date on _____) inventor
(Maria Minkoff
First Name Middle Initial Last Name

City (4) Signed at Yorktown, NY
Date on 12-04-02
signature
(Baruch M. Schieber) inventor
First Name Middle Initial Last Name

City (5) Signed at Yorktown, NY
Date on 12/04/02 Chenpingme signature
(Maximt I. Sviridenko)
First Name Middle Initial Last Name) inventor

City	(6)	Signed at	
Date		on	signature
		(Jayram First Name	S. Middle Initial
		Thathachar Last Name) inventor

ASSIGNMENT

Whereas, We
Inventors

- | | | |
|-----|---|--|
| (1) | Tracy J. Kimbrel
County of Westchester | City of Cortlandt Manor
and State of New York |
| (2) | Robert Krauthgamer | City of Ramat Hasharon
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| (1) | 2002 , |
| (2) | <i>December 5,</i> 2002 , |
| (3) | 2002 , |
| (4) | 2002 , |
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City (1) Signed at

Date on

(Tracy
First Name

J.
Middle Initial

Kimbrel
Last Name

signature
) inventor

City (2) Signed at

Date on 12-5-02

(Robert
First Name

[Signature]
Middle Initial

Krauthgamer
Last Name

signature
) inventor

City (3) Signed at

Date on

(Maria
First Name

Middle Initial

Minkoff
Last Name

signature
) inventor

City (4) Signed at

Date on

(Baruch
First Name

M.
Middle Initial

Schieber
Last Name

signature
) inventor

City (5) Signed at

Date on

(Maximt
First Name

I.
Middle Initial

Sviridenko
Last Name

signature
) inventor

City (6) Signed at

Date on

(Jayram
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S.
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Thathachar
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City (1) Signed at

Date on

(Tracy
First Name

J.
Middle Initial

Kirnbrel
Last Name

signature
) inventor

City (2) Signed at

Date on

(Robert
First Name

Middle Initial

Krauthgamer
Last Name

signature
) inventor

City (3) Signed at Cambridge, MA

Date on Dec 5, 2002

(Maria
First Name

Middle Initial

Minkoff
Last Name

signature
) inventor

City (4) Signed at

Date on

(Baruch
First Name

M.
Middle Initial

Schieber
Last Name

signature
) inventor

City (5) Signed at

Date on

(Maximt
First Name

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Middle Initial

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signature
) inventor

City (2) Signed at

Date on

(Robert
First Name

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Krauthgamer
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signature
) inventor

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(Maria
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signature
) inventor

City (6) Signed at

Date on

(Jayram
First Name

S.
Middle Initial

Thathachar
Last Name

signature
) inventor

SAN JOSE, CA

on 5th Dec 2002 at Jayram